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# UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In Re Applications of: ) MM Docket No. 99-153  
)  
READING BROADCASTING, INC. ) File No.: BRCT-940407KF  
)  
For Renewal of License of )  
Station WTVE(TV), Channel 51 )  
at Reading, Pennsylvania )  
)  
and )  
)  
ADAMS COMMUNICATIONS ) File No.: BPCT-94063KG  
CORPORATION )  
)  
For Construction Permit for )  
a New Television Station to )  
Operate on Channel 51, )  
Reading, Pennsylvania )

Volume: 22  
Pages: 2095 through 2115  
Place: Washington, D.C.  
Date: June 15, 2000

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## HERITAGE REPORTING CORPORATION

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

|                              |   |                         |
|------------------------------|---|-------------------------|
| In Re Applications of:       | ) | MM Docket No. 99-153    |
|                              | ) |                         |
| READING BROADCASTING, INC.   | ) | File No.: BRCT-940407KF |
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| and                          | ) |                         |
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| CORPORATION                  | ) |                         |
|                              | ) |                         |
| For Construction Permit for  | ) |                         |
| a New Television Station to  | ) |                         |
| Operate on Channel 51,       | ) |                         |
| Reading, Pennsylvania        | ) |                         |

Room TWA-363  
FCC  
445 12th Street, N.W.  
Washington, D.C. 20554

Thursday,  
June 15, 2000

The parties met, pursuant to the notice of the  
Judge, at 9:35 a.m.

BEFORE: HONORABLE RICHARD L. SIPPEL  
Administrative Law Judge

APPEARANCES:

On Behalf of Reading Broadcasting, Inc.:

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I N D E X

| <u>WITNESSES:</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> | <u>VOIR<br/>DIRE</u> |
|-------------------|---------------|--------------|-----------------|----------------|----------------------|
| Paula G. Friedman | 2102          | 2109         | 2112            | --             | --                   |

Hearing Began: 9:35 a.m.

Hearing Ended: 10:04 p.m.

P R O C E E D I N G S

(9:35 a.m.)

JUDGE SIPPEL: We are on the record.

I don't have anything preliminary information or statements to make this morning. Anybody else have anything more or are we ready to go?

MR. COLE: Judge, for scheduling purposes, am I correct that Monday we are going to do Ms. Swanson and Mr. Sherwood?

MR. HUTTON: That's correct.

JUDGE SIPPEL: Yes.

MR. COLE: And then Mr. Kravetz Tuesday morning, and I will alert the others to -- the other witnesses probably tomorrow afternoon, if that's okay with you all.

JUDGE SIPPEL: The other witnesses being?

MR. COLE: Mr. Gilbert, Mr. Fickinger, Mr. Gaval, when they are going to be on, the order. I believe Mr. Gavel -- Mr. Fickinger, Mr. Gilbert will be available on Wednesday. Mr. Fickinger is coming into town Tuesday afternoon.

MR. SOUTHARD: When do you propose to have Mr. Hagan and Mr. Guemans?

MR. COLE: At this point I haven't decided whether I'm going to bring them in.

MR. SOUTHARD: All right. I'll let you guys know

1 no later than tomorrow afternoon. That won't be a problem?

2 MR. SHOOK: So basically we're going to have a  
3 break from Tuesday morning until Wednesday morning?

4 MR. COLE: Well, we have Kaval. Right now I'm  
5 figuring Kaval will go in Tuesday afternoon.

6 MR. SHOOK: Oh, okay.

7 JUDGE SIPPEL: Okay, so that covers Monday,  
8 Tuesday and then Wednesday would be Mr. Gilbert and Mr.  
9 Fickinger?

10 MR. COLE: That's correct.

11 JUDGE SIPPEL: With the possibility of Mr. Hagan -  
12 -

13 MR. COLE: Mr. Guemans.

14 JUDGE SIPPEL: And what about Mr. Matmiller, is  
15 that gone?

16 MR. COLE: Yeah, I will have a formal withdrawal  
17 of my notification on Mr. Matmiller. I'm not interested in  
18 talking to him.

19 JUDGE SIPPEL: Thank you. Okay, I think that  
20 covers the schedule then.

21 And we have a witness this morning who I don't  
22 want to keep waiting any longer.

23 MR. SOUTHARD: Your Honor, if I may --

24 JUDGE SIPPEL: I'm sorry.

25 MR. SOUTHARD: We have another Telemundo matter.

1 JUDGE SIPPEL: Go ahead.

2 MR. SOUTHARD: We received this morning a large  
3 package of -- I'm sorry, yesterday -- a large package of  
4 documents from Telemundo, consisting of Ms. Swanson's  
5 handwritten notes and her personal calendar, with the  
6 unfortunate exception of May and June of 1999, which she  
7 claims to have lost, and her research material.

8 My present concern is with two matters. The  
9 handwritten notes that we obtained Telemundo did not claim  
10 it contained any privileged information, and yet there  
11 appears to be a number of redactions, and unfortunately,  
12 this is becoming something that's akin to pulling teeth to  
13 get complete documents from them.

14 JUDGE SIPPEL: Well, I think what the redactions  
15 are it's probably -- isn't it explained in the letter that  
16 they redacted things that don't relate to the case?

17 MR. SOUTHARD: The letter that we got does not  
18 indicate that there are any redactions at all, nor does it  
19 explain them. It simply says, "Upon review, we have  
20 determined to produce all of the relevant pages in the above  
21 categories because we have determined that none of the  
22 material is privileged or constitute work product.  
23 Therefore, on in camera production to the presiding officer  
24 has or will occur of these materials," and yet they clearly  
25 are redacted.

1           And it appears that all the notes concern this  
2   matter and therefore I believe the redactions are of  
3   information which does concern this case.

4           JUDGE SIPPEL: Well, I'm not going to get into  
5   that right now and hold up the witness.

6           MR. SOUTHARD: I understand that, Your Honor.

7           JUDGE SIPPEL: I've got work to do on the billings  
8   this afternoon. I'm going to get the unredacted version of  
9   the billing material in. By the time I leave the courtroom  
10  later this morning, I've got to take a look at that. We  
11  will talk about this when Ms. Friedman is finished.

12           There has got to be -- there has got to be a  
13  reasonable cut on this because of the time frame.

14           MR. SOUTHARD: I understand that, and we certainly  
15  don't want to hold up Ms. Friedman, so I'll be glad to  
16  discuss it with you.

17           JUDGE SIPPEL: Well, alright. Is Ms. Friedman  
18  ready?

19           MR. COLE: Yes, sir.

20           JUDGE SIPPEL: Mr. Shook, did you have anything?

21           MR. SHOOK: Nothing.

22           JUDGE SIPPEL: Thank you.

23           JUDGE SIPPEL: Please raise your right hand.

24           Whereupon,

25                           PAULA G. FRIEDMAN



1           having been duly sworn, was called as a witness  
2           and was examined and testified as follows:

3           JUDGE SIPPEL: Please be seated. If you want to  
4           help yourself to some water before we start, take the top  
5           off before you pour.

6           THE WITNESS: I'm fine, thank you.

7           MR. COLE: Ready to go, Your Honor?

8           JUDGE SIPPEL: All set.

9                                 DIRECT EXAMINATION

10          BY MR. COLE:

11           Q     Good morning, Ms. Friedman. Welcome to the case.

12                     Could you state your name and address for the  
13           record, please?

14           A     It's Paula Friedman, 11100 Marcliff Road, in  
15           Rockville, Maryland.

16           Q     And Ms. Friedman, am I correct that you are  
17           appearing here today pursuant to a subpoena which was served  
18           on you by Adams Communications Corporation?

19           A     Yes.

20           Q     And you are independently represented by Mr.  
21           Hawkes?

22           A     Yes.

23           JUDGE SIPPEL: Good morning, Mr. Hawkes.

24           MR. HAWKES: Good morning.

25           BY MR. COLE:

1 Q Ms. Friedman, you are an attorney; is that  
2 correct?

3 A Correct.

4 Q Could you describe briefly your professional  
5 background?

6 A I graduated law school in 1989. I worked at  
7 Schnader Harrison, then at Sidley & Austin from April of  
8 1990 through September 1995. I also was the executive  
9 director of the Federal Communications Bar Association from  
10 about February 1994 through July of 1999.

11 Q Are you currently practicing law?

12 A No, I am not.

13 Q Did you go directly to Schnader from law school?

14 A Yes.

15 Q During the time that you practiced law both with  
16 Schnader and with Sidley, is it correct to say that you  
17 specialized in communications law?

18 A Yes.

19 Q During the course of your professional experience,  
20 Ms. Friedman, did you have occasion to represent Mr. Micheal  
21 Parker or any businesses in which Mr. Parker was a  
22 principal?

23 A Yes.

24 Q And for the sake of your testimony this morning,  
25 please understand that when I refer to any representation of

1 Mr. Parker, I intend that to include representation of Mr.  
2 Parker or entities in which Mr. Parker was a principal.

3 When did you first encounter Mr. Parker in your  
4 professional practice?

5 A I think it was probably around 1990.

6 Q And how did you come to represent him?

7 A He was a client of Sidley & Austin.

8 Q Was he also a client of Schnader Harrison?

9 A I believe so, yes.

10 Q Did you work with Mr. Parker at Schnader Harrison  
11 or just at Sidley?

12 A I don't recall.

13 Q Do you represent him now in the year 2000?

14 A No.

15 Q Do you recall when you stopped representing him?

16 A Well, I left Sidley & Austin in September of 1995.

17 Q Was he still a client of Sidley in 1995?

18 A I don't recall.

19 Q Do you recall representing -- strike that.

20 Do you recall assisting -- strike that.

21 In connection with Mr. Parker, did you represent  
22 Reading Broadcasting, Incorporated?

23 A Yes.

24 Q Do you recall preparing for Reading Broadcasting,  
25 Incorporated a long form, FCC Form 315 application in

1 November of 1991?

2 A Yes.

3 Q Now, in front of you on the table you will find a  
4 gray notebook with international emergency labels all over  
5 it entitled "Phase II Exhibits."

6 Do you see that?

7 A Yes.

8 Q Would you please turn, Ms. Friedman, to tab No.  
9 52, Exhibit No. 52, and take a look at that, please?

10 And my first question is, as you look through it,  
11 is that the long form, FCC Form 315 application which you  
12 assisted Reading Broadcasting to prepare in November of  
13 1991?

14 A Yes.

15 Q Okay, now, if you also look one document back to  
16 Exhibit No. 51. This is a long form, FCC Form 315  
17 application involving a television station at Norwell,  
18 Massachusetts that was filed in July of 1991.

19 Were you involved in any way in the preparation of  
20 the application which is Exhibit No. 51?

21 A No.

22 Q As far as you are aware, did anyone at Sidley  
23 draft any portion of this application for Norwell,  
24 Massachusetts, which is Exhibit 51?

25 A Not that I'm aware of.

1 Q And as far as you are aware, was anyone at Sidley  
2 involved in any way in the preparation of any portion of  
3 this application which is Exhibit 51?

4 A No.

5 Q Do you know who did prepare this Exhibit 51?

6 A No, I don't.

7 Q Did you represent Mr. Parker in connection with an  
8 application for proposing his acquisition of an  
9 international broadcast station in Dallas, Texas?

10 A No.

11 Q And let me show you or refer you to Exhibit No.  
12 54, again in the gray folder, and this is an assignment  
13 application, FCC Form 314 filed in August of 1992, proposing  
14 the assignment of the license of Station KCBI to an entity  
15 called Two If By Sea Broadcasting Corporation.

16 Once you have had a chance to look through Exhibit  
17 No. 54, my question to you is were you involved in any way  
18 in the preparation of that application; --

19 A No.

20 Q -- that is, Exhibit 54?

21 A No.

22 Q To your knowledge, did you or anyone else at  
23 Sidley draft any portion of Exhibit 54?

24 A Not that I know.

25 Q And finishing up, to the best of your knowledge,

1 did you or anyone else at Sidley -- were you or anyone else  
2 at Sidley involved in any way in the preparation of Exhibit  
3 No. 54?

4 A Not that I know of, no,

5 Q Okay, now, let's go back to the Reading  
6 application, which is 52, and could you describe briefly  
7 what your role in the preparation of this application was?

8 A I compiled the information, the exhibits, made  
9 sure the form was typed and filled in correctly, and  
10 prepared it for filing.

11 Q How did you compile the information?

12 A I don't recall specifically, but I normally got  
13 information from the client and compiled the information  
14 into the exhibits and matched them against the questions in  
15 the form.

16 Q When you say you might have received some  
17 information from the client, do you recall any  
18 individuals -- strike that.

19 When you referred to the client, that's Reading  
20 Broadcasting, Inc.; is that right?

21 A Correct.

22 Q And do you recall what individuals within Reading  
23 Broadcasting, Inc. provided you information?

24 A I don't recall specifically, but I dealt with  
25 Micheal Parker and Barbara Hendrickson who worked for him.

1 Q Point of clarification, Ms. Friedman. When you  
2 say "Barbara Hendrickson," is it possible that you are  
3 referring to Linda Hendrickson?

4 A Linda. Excuse me. Yes.

5 Q Is it also possible you were referring to Barbara  
6 Williamson?

7 A Yes.

8 Q Just checking.

9 A It's been a long time.

10 Q All right, now, and do you recall what particular  
11 information any of those three individuals provided you in  
12 connection with the Reading application, which is Exhibit  
13 52?

14 A I don't recall specifically.

15 Q Could you turn now to page 29 of Exhibit 52?  
16 This is a document entitled "Exhibit 3."

17 Do you see that?

18 A Yes.

19 Q Did you draft this exhibit?

20 A No.

21 Q Do you know who did draft the exhibit?

22 A No, I don't.

23 Q Do you know if this information was originally  
24 drafted for inclusion in this November '91 long form  
25 application?

1           A     I don't know.

2           Q     Do you know where you obtained the language to  
3 include in this Exhibit No. 3?

4           A     I don't recall specifically.

5           Q     Do you recall generally anything?

6           A     No.

7           Q     Did you have any discussions concerning the  
8 language of this Exhibit No. 3 with anyone else?

9           A     I don't remember.

10          Q     Do you recall discussing it with Mr. Parker?

11          A     No.

12          Q     In the course of preparing this application, I'm  
13 referring again to the Reading application, No. 52, did you  
14 attempt to double check in any way any of the information  
15 contained in Exhibit 3 to confirm the accuracy of the  
16 information that's set out in that exhibit?

17          A     I don't remember.

18          Q     Do you recall whether you asked anyone else to  
19 double check this exhibit for accuracy?

20          A     I don't remember.

21                MR. COLE: I have no further questions, Your  
22 Honor.

23                JUDGE SIPPEL: Okay, Mr. Shook?

24                       CROSS-EXAMINATION

25                BY MR. SHOOK:



1           Q     Ms. Friedman, with respect to the preparation an  
2     exhibit such as the Exhibit 3 that Mr. Cole has been asking  
3     you about, was it your practice to check the factual  
4     assertions made in such an exhibit?

5           A     It depended. I can't say specifically.

6           Q     Could you give us an idea of what might cause you  
7     to check the factual assertions?

8           A     Possibly if I had any doubt as to the information.

9           Q     Would it have been your practice to read such an  
10    exhibit in the first place to see what was in there?

11          A     I can't say specifically. It's been a long time  
12    since I --

13          Q     Right. I'm not asking at this point about this  
14    specific exhibit. I'm just asking about the practice in  
15    general.

16          A     Generally, I guess if I had any doubts about  
17    anything, I would have, but I can't say -- you know, every  
18    case is different.

19          Q     And there is nothing that you recall right now  
20    that triggered any doubt in your mind as to the accuracy of  
21    the assertions made with respect to this particular exhibit?

22          A     Not that I recall, no.

23               MR. SHOOK: Nothing further.

24               JUDGE SIPPEL: Mr. Hutton, have you got cross-  
25    examination?

1 MR. HUTTON: I do, just very brief, I think.

2 JUDGE SIPPEL: All right.

3 CROSS-EXAMINATION

4 BY MR. HUTTON:

5 Q Ms. Friedman, referring to Adams Exhibit 51, which  
6 is the Norwell, Massachusetts application. I just want to  
7 make sure I understand your testimony.

8 Was it your testimony that you -- that no one from  
9 Sidley & Austin was involved in any way in preparing that  
10 application or is it your testimony that you don't know  
11 whether or not anyone from Sidley & Austin was involved in  
12 preparing that application?

13 A I don't recall. I don't think anyone from Sidley  
14 & Austin was involved from looking at it, but I don't recall  
15 specifically.

16 Q Okay. I'd like to show you a portion of your  
17 deposition for purposes of refreshing your recollection.  
18 I'm referring to page 16, line 22, and page 17, lines 1  
19 through 4.

20 MR. SOUTHARD: May I approach the witness, Your  
21 Honor?

22 JUDGE SIPPEL: Please do.

23 MR. COLE: I'm sorry. What were the page  
24 references?

25 MR. HUTTON: Page 16, line 22, and page 17, lines

1 1 through 4.

2 BY MR. HUTTON:

3 Q Is it fair to say that at your deposition you  
4 indicated that you wouldn't know whether or not Mr. Parker  
5 conferred with anybody at Sidley concerning the preparation  
6 of any portion of the Norwell application?

7 A That's correct.

8 Q Okay. And is that consistent with your  
9 understanding as of today?

10 A Yes.

11 MR. HUTTON: I have nothing further. Thank you.

12 JUDGE SIPPEL: Anything more?

13 MR. COLE: I have one quick question on redirect.

14 REDIRECT EXAMINATION

15 BY MR. COLE:

16 Q Ms. Friedman, if Mr. Parker had conferred with  
17 someone at Sidley about, for example, the Norwell  
18 application, would that someone have been Mr. Wadlow?

19 A Probably. He was the billing partner.

20 MR. COLE: Thank you. I have nothing further,  
21 Your Honor.

22 JUDGE SIPPEL: May I just ask one question?

23 Have you done -- you've done at least several of  
24 these types of applications in your tenure at Sidley &  
25 Austin.

1           Would this fall in the category of -- was there  
2 anything unusual or out of the ordinary about this versus  
3 the other ones that you did?

4           THE WITNESS: Not that I recall, no.

5           JUDGE SIPPEL: It his usual pretty much?

6           THE WITNESS: Yes.

7           JUDGE SIPPEL: That's all I have got.

8           You are excused.

9           THE WITNESS: Thank you very much.

10          JUDGE SIPPEL: Thank you very much.

11          THE WITNESS: Thank you.

12          JUDGE SIPPEL: Thank you. I know there has been  
13 some shifting of schedules here. You are very cooperative.

14          THE WITNESS: I appreciate it very much. Thank  
15 you.

16          JUDGE SIPPEL: You are excused.

17          (Witness excused.)

18          JUDGE SIPPEL: Let's go off the record for a  
19 minute.

20          (Discussion off the record.)

21          JUDGE SIPPEL: What I am going to do is summarize  
22 what we discussed off the record and some rulings I made off  
23 the record.

24                I am going to review copies of handwritten notes  
25 that were furnished to Mr. Southard by Mr. Hayes on behalf

1 of Telemundo. I'm going to look at those to see whether or  
2 not there is some indications of incompleteness that would  
3 prompt me to look further into it with respect to an in  
4 camera, a full in camera inspection.

5           There are telephone notes, telephone slips,  
6 rather, that appear to have been missing from the production  
7 which -- and I am going to pursue that with Mr. Hayes after  
8 I leave here. I am going to do everything I can to get  
9 within reason everything that Reading is entitled to  
10 receive, but pointing out the fact that we are getting very  
11 close to the testimony and that there are a lot of things  
12 that need to be done, that need to be focused on. We are  
13 sort of late in the game to be getting an absolute universe  
14 of slips of paper drawn out of Telemundo's counsel.

15           I'll do the best I can to give you what I think  
16 you need. I think what the record needs and as I said off  
17 the record I am confident that you have a significant amount  
18 of information upon which to examine Ms. Swanson on Monday  
19 on the added issue.

20           And we will be -- I will be available and you will  
21 be available, Mr. Southard, and I'm going to see to it that  
22 Mr. Hayes and/or Ms. Swanson will be available this  
23 afternoon for further conference call on this. I'm going to  
24 do the best I can to make this as right as it can be, but we  
25 do have to make some cuts at this point.

1                   That's all I have. Do you want to add anything to  
2   that?

3                   MR. SOUTHARD: No, that would be fine. Thank you.

4                   JUDGE SIPPEL: That's the sum and substance of  
5   what we talked about?

6                   MR. SOUTHARD: Yes, it was.

7                   JUDGE SIPPEL: All right. We are now off the  
8   record. We are in recess until -- oh, just a second. We  
9   are in recess until Monday at 9:30, and the first witness  
10   will be Ms. Swanson. Thank you very much.

11                  ALL: Thank you, Your Honor.

12                  (Whereupon, at 10:04 a.m., the hearing in the  
13   above-entitled matter was recessed, to reconvene at 9:30  
14   a.m., on Monday, June 19, 2000.)

15    //

16    //

17    //

18    //

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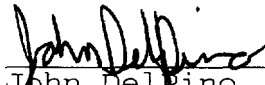
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HEARING DATE: June 15, 2000

LOCATION: Washington, DC

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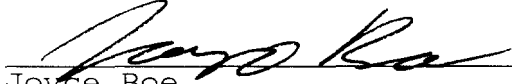
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I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.


Date: \_6-26-00\_

  
Joyce Boe  
Official Transcriber  
Heritage Reporting Corporation

**PROOFREADER'S CERTIFICATE**

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: \_6-26-00\_

  
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